

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----X
RICHARD POZO, individually and on behalf :
of all others similarly situated, :

Plaintiff, :

-against- :

BLUEMERCURY, INC., :

Defendant. :
-----XUSDC SDNY
DOCUMENT
ELECTRONICALLY FILED
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DATE FILED: 9/23/2022

22-CV-7382 (VEC)

NOTICE OF INITIAL
PRETRIAL CONFERENCE

VALERIE CAPRONI, United States District Judge:

In accordance with Rule 16 of the Federal Rules of Civil Procedure, the Initial Pretrial Conference (“IPTC”) will be held on **November 18, 2022 at 10:00 a.m.** The IPTC will be held in Courtroom 443 of the Thurgood Marshall United States Courthouse, located at 40 Foley Square, New York, New York 10007. Any person who appears at any SDNY courthouse must comply with Standing Order M10-468 (21-MC-164), which addresses courthouse entry restrictions for persons with a positive COVID-19 diagnosis, COVID-19 symptoms, or exposure to COVID-19. The Court’s COVID-19 protocols can be found on the Court’s website at <https://nysd.uscourts.gov/covid-19-coronavirus>.

1. Pursuant to section 1.C of the Court’s Individual Practices in Civil Cases, requests for adjournment of the IPTC or any other conference must be made in writing at least 48 hours prior to the scheduled conference. The request must state (1) the reason for the proposed adjournment; (2) the original date of the conference; (3) the number of previous requests for adjournment; (4) whether the other party or parties consent and, if not, the reason given for refusing consent; and (5) proposed alternative dates. **This Court encourages plaintiffs to serve defendants promptly.** Requests for adjournment of the IPTC will not necessarily be granted on

the ground that one or more Defendants have not been served or answered prior to the scheduled IPTC.

2. The parties are directed to submit a joint letter of no more than five pages by **November 10, 2022**, addressing the following in separate paragraphs: (1) a brief description of the case, including the factual and legal bases for the claim(s) and defense(s); (2) any contemplated motions; (3) the basis for subject matter jurisdiction; (4) the prospect for settlement; and (5) whether the parties believe a Rule 16 conference would be helpful or whether they believe it is unnecessary and ask that their proposed Case Management Plan simply be so ordered.

3. If this case involves claims that arise under the Fair Labor Standards Act (“FLSA”), the joint letter must indicate whether the Plaintiff(s) intend to move for certification of a collective and whether the Defendant(s) intend to object to such certification. If there will be a disputed motion for a collective, the Court will likely cancel the IPTC, stay discovery, and set a briefing schedule for the motion.

4. The parties are directed to consult the undersigned’s Individual Practices in Civil Cases and to confer on a Civil Case Management Plan and Scheduling Order. The Individual Practices and Civil Case Management Plan may be found on the Court’s website:


<https://nysd.uscourts.gov/hon-valerie-e-caproni>. The parties must submit the jointly proposed Plan to the Court with their joint letter. The parties are directed to propose realistic and workable deadlines for discovery. The deadlines proposed in the Court’s form Case Management Plan are generally appropriate for most routine cases but may not be appropriate if there is, for example, substantial third-party discovery or e-discovery anticipated. The parties should assume that the deadline to complete fact discovery will not be extended absent very good cause.

5. Three days before the date of the IPTC, counsel for all parties are required to register as filing users in accordance with the Procedures of Electronic Case Filing and file a Notice of Appearance.

6. Plaintiff's counsel, or the defendant's counsel in removed cases, is responsible for distributing copies of this Notice to all parties.

SO ORDERED.

Date: September 23, 2022
New York, New York


VALERIE CAPRONI
United States District Judge